

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed December 31, 2009 ("Office Action"). At the time of the *Office Action*, Claims 1-4, 7-11, and 13-50 were pending in the application. The *Office Action* rejects Claims 1-4, 7-11, and 13-21 and withdraws Claims 22-50 from consideration. In order to advance prosecution, Applicants cancel Claims 1-4, 7-11, and 13-21 and amend Claims 22-25, 30-31, 34-35, 38-40, 42, and 49-50. No new matter has been added. For at least the reasons provided below, Applicants respectfully request reconsideration and favorable action in this case.

Election/Restriction

The *Office Action* contends that Claims 22-50 are directed to an invention distinct from the invention originally claimed in Claims 1-4, 7-11, and 13-21. The *Office Action* has restricted the application to the previously presented Claims 1-4, 7-11, and 13-21 and has withdrawn from consideration Claims 22-50. In order to advance prosecution, Applicants cancel Claims 1-4, 7-11 and 13-21 and respectfully request that Claims 22-50 be considered.

Claims 1-4, 7-11, and 13-21

The Examiner rejects Claims 1-4, 7-11, and 13-21 under 35 U.S.C. 102(b) as being anticipated by WO 03/001340 issued to Mosttov ("Mosttov"). While applicants disagree with this rejection, in order to advance prosecution, Applicants have cancelled Claims 1-4, 7-11 and 13-21.

Claims 22-50

As amended, Claim 22 recites "a device locator configured to identify and select a device to be controlled from among a plurality of devices based on the direction of movement of the motion detector." Nowhere is this disclosed, taught, or suggested by *Mosttov*. In *Mosttov* the same device both recognizes the user's gestures and is controlled by the recognized gestures. *Mosttov*, page 6, lines 22-28. In *Mosttov* there is no identification or selection of a device to be controlled. Accordingly, for at least this reason, Applicants

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respectfully request that Claim 22, and all claims depending therefrom, be allowed. For at least certain analogous reasons, Applicants respectfully request that Claim 50 be allowed.

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CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If there are matters that can be discussed by telephone to further the prosecution of this Application, Applicants invite the Examiner to call the undersigned attorney at (214) 953-6511 at the Examiner's convenience.

The Commissioner is hereby authorized to charge the required fee of \$810.00 to file a Request for Continued Examination (RCE) and, to the extent necessary, charge any other fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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